

JURISDICTION:  
General Reference:

**ALASKA**  
Alaska Statutes and Alaska Administrative Code (AAC)

Required Use of Safety Belts<sup>1</sup>:

Requirements:

I. A person may not operate a motor vehicle unless they are restrained by a safety belt. §28.05.095(a)(1)  
II. Persons ≥16 years may not occupy a motor vehicle while being driven unless they are restrained by a safety belt. §28.05.095(a)(2)  
**Secondary Enforcement.** A law enforcement officer cannot stop or detain a motor vehicle to determine compliance with the requirements of I and II above unless the vehicle has been stopped or detained for some other violation of the law. §28.05.095(e)  
III. A driver may not transport a person ≥4 but <16 years old unless such person is properly secured in a safety device that is appropriate for that person and that has been approved by the U.S. Department of Transportation. §28.05.095(b)

Sanctions for Failure to Use or  
Require the Use of Safety Belts:

I. Infraction: For a violation of I or II above, a fine of not more than **\$15**<sup>2</sup>. §28.05.099(a)  
II. Infraction: For a violation of III above, a fine of not more than **\$50**. §28.05.099(b)  
III. Licensing action: For a violation of III above, a person may be assessed points against their driving record.<sup>3</sup> §28.05.099(b)

Effect on Civil Liability:

No statutory provision.<sup>4</sup>

Required Use of Child Safety Restraint Systems<sup>1</sup>:

Requirements:

A driver may not transport a person <4 years old unless that person has been properly secured in a child safety device for infants that has been approved by the U.S. Department of Transportation. §28.05.095(b)

Sanctions for Failure to Require  
the Use of Child Restraint Systems:

I. Infraction: Not more than **\$50**. §28.05.099(b)

Required Use of Child Safety Restraint Systems:  
(continued)

Sanctions for Failure to Require  
the Use of Child Restraint Systems: (continued)

II. Licensing action: A person may be assessed points against their driving record.<sup>3</sup> §28.05.099(b)

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<sup>1</sup>**Exemptions.** The use of either safety belts or child passenger safety devices is not required under the following circumstances: (1) For passengers in school buses unless such buses are required by the U.S. Department of Transportation to have such belts for passengers; (2) for vehicle operators who are either delivering mail or newspapers; (3) for persons or classes of persons who have been exempted via regulations because of either physical or medical reasons; and (4) for persons riding in motor vehicles that are not required to have safety belts. §§28.05.095(c) & 28.05.096(a)

<sup>2</sup>As an alternative, an offender may donate **\$15** to the Emergency Medical Services entity that provides services in the area where the violation occurred. §28.05.099(a)

<sup>3</sup>The point schedule does not give a specific point value for this offense. However, there is a 2 point assessment for violations of the traffic laws for which points can be assessed but no point value has been established. 13 AAC 08.210(21)

<sup>4</sup>Via case law, the failure to use a safety belt is "relevant evidence for the purpose of damage reduction" (724 P.2d at 1199) in automobile accident situations that result in bodily injuries. *Hutchins v. Schwartz*, 724 P.2d 1194 (Alaska 1986)

## ALASKA

Effect on Civil Liability:

No statutory provision.<sup>4</sup>

### Required Use of Motorcycle Protective Headgear:

Requirements:

A person<sup>5</sup> operating or riding on a motorcycle must wear protective headgear that complies with either Federal government or nationally recognized standards. §28.05.011 and 13 AAC 04.350(a)

Sanctions for Failure to Use:

Infraction: A fine of not more than **\$300**.<sup>3</sup> §28.40.050(c)

### Required Use of Motorcycle Eye Protection Device:

Requirements:

A person operating a motorcycle must wear an eye-protection device that complies with nationally recognized standards. This requirement does not apply if the motorcycle is equipped with either a windscreen or a windshield. §28.05.011 and 13 AAC 04.350(b)

Sanctions for Failure to Use:

Infraction: A fine of not more than **\$300**.<sup>3</sup> §28.40.050(c)

### Required Use of Bicycle Protective Headgear:

Requirements:

**None**

Sanctions for Failure to Use:

### Required Use of Bicycle Eye Protection Device:

Requirements:

**None**

Sanctions for Failure to Use:

### Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

**None** Note: Even though there is no statutory authority prohibiting this activity, the safety belt usage and child safety restraint system laws may indirectly establish such a prohibition.

Sanctions for a Violation:

Exemptions:

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<sup>5</sup>Regulatory law provides that "[e]xcept as provided by statute, a person operating or riding upon a motorcycle or motor-driven cycle upon a public roadway must wear protective headgear...." 13 AAC 04.350(a) Statutory law provides that "[a] person who is 18 years of age or older may not be required to wear a helmet while operating a motorcycle if the person is the holder of a license or endorsement to operate a motorcycle." §28.35.245(b) Note: This statutory provision appears to apply only to operators but not to passengers.